

GENERAL ORDINANCE NO. G- 12-72

AN ORDINANCE amending Ordinance No. G-85-70
1) by abolishing the present Metropolitan Human Relations Commission thereby created; 2) by replacing said Commission with a smaller Commission whose members are more representative of diverse elements of the community; 3) by expanding the powers of said Commission; 4) by expanding the scope of the duties of said Commission; and 5) by making it unlawful to discriminate in education.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. Article 1 of Ordinance No. G-85-70 is hereby amended to read as follows:

ARTICLE I - PURPOSES

Section 1. The Mayor and the Common Council of the City of Fort Wayne, Indiana, find that discrimination in social, cultural and economic life in the City of Fort Wayne against any person or persons because of race, sex, color, religion, ancestry, national origin, or place of birth, is contrary to American principles and is harmful to the social, cultural, and economic life of Fort Wayne: that discrimination, particularly in employment opportunities, public accommodations, and housing, increases the burden and cost of government. That such discrimination contributes to increased crime, vice, juvenile delinquency, fires and other evils thereby affecting the public safety, the public health, and the general welfare of the community; it is, therefore, deemed to be in the best interests of the City of Fort Wayne to create a metropolitan commission to administer and enforce anti-discrimination legislation and ordinances, all as authorized by the Indiana Civil Rights Act.

Section 2. In filling such broad purposes, the Metropolitan Human Relations Commission of the City of Fort Wayne is to:

- a) study the relationships between the various races, sexes, creeds and nationalities within the City of Fort Wayne and to advise and assist the various departments of the City of Fort Wayne in matters involving relationship between such groups to the end that prejudice, intolerance, bigotry, and discrimination will be eliminated in the City of Fort Wayne.
- b) eliminate discrimination in education, employment, public accommodation, and housing based upon sex, race, religion, ancestry, national origin or place of birth.
- c) study, investigate and take action in regard to any condition having an adverse effect upon relations between the various races, sexes, creeds and nationalities.
- d) institute and conduct educational and other programs intended to promote the equal rights and opportunities of all persons.
- e) solicit the cooperation of the various racial, ethnic, and religious groups within the community in order to improve the quality of communications and understanding within the community.

*Approved
Paul H. Allen*

f) stimulate private and governmental departments and agencies to develop and foster meaningful programs in support of the objectives and purposes of the Metropolitan Human Relations Commission.

g) insure the equal protection of all persons and to insure the full availability of all rights and privileges of citizenship to all persons.

SECTION 2. Sections 2, 3, 4d and 5 of Article 3 of Ordinance No. G-85-70 are amended to read as follows:

Section 2.

a) The Commission shall consist of seven (7) members:

(i) one of whom shall be appointed by the Common Council from among its members at the annual meeting for the election of officers of the Council, and

(ii) six of whom shall be appointed by the Mayor.

b) The member appointed by the Common Council shall serve until the next annual meeting for the election of officers of the Council and members appointed by the Mayor shall serve, until December 31 of the second full year following the year of their appointment.

Section 3 - Qualifications of Members

a) All members shall be residents of the City of Fort Wayne. The Mayor shall make only those appointments which insure:

(i) that members are persons who have demonstrated a commitment to the purposes for which the Commission is created and

(ii) that the Commission is broadly representative of the community in regard to race, religion, national origin, sex, and political affiliation.

b) It shall be the duty of the Mayor publicly to solicit suggestions for Commission appointments from organizations having an interest in the improvement of intergroup relations in the community and to give thoughtful consideration to the appointment of persons so suggested.

Section 4 (d). The Mayor shall, at any time, have the right to remove any member of the Commission (other than the member appointed by the Common Council) with or without cause.

Section 5 - Powers and Duties. The Commission shall have the following powers and duties:

a) All powers that may lawfully be conferred upon the Commission pursuant to applicable provisions of Indiana law (IC-1971 22-9-12) including, specifically, the power to investigate, conciliate, and hear complaints, subpoena and compel the attendance of witnesses and the production of pertinent documents and records, administer oaths, examine witnesses, appoint a hearing examiner or panel, make findings and recommendations, issue cease and desist orders requiring remedial action, institute actions for appropriate legal or equitable relief in the circuit or superior court.

b) The Commission shall meet monthly in a public facility beginning an hour not earlier than 7:00 P.M. nor later than 10:00 P.M. It shall be the duty of the Executive Director of the Commission to notify the news media concerning such meetings not less than 72 hours prior to the time of such meetings. All meetings of the Commission shall be open to the public.

c) The Commission shall receive and investigate charges of discriminatory practices and, if it appears that reasonable grounds exist for the charges, the Commission shall accept a complaint or the director may make a complaint, which complaint shall be in writing and verified. If a complaint has been made, the Commission may hold hearings and make an investigation of the complaint, which investigation shall be conducted by the Commission or by the director of its staff.

d) The Commission shall endeavor to keep itself fully informed concerning the studies and findings of private organizations in respect to the practices falling within the Commission's jurisdiction.

e) Annual Report. The Commission shall render an annual report of its doings to the Mayor and to the Common Council and shall render such other additional reports as the Mayor or the Council may from time to time request. The reports shall describe, in detail, the investigations and conciliation proceedings it has conducted and their outcome, the progress made, and any other work performed and achievement toward the elimination of discrimination.

SECTION 3. Article 4 of Ordinance NO. G-85-70 is hereby amended by adding a new Section 7 which reads as follows:

Section 7. Discrimination in Education. It shall be unlawful for any person, establishment or governmental agency regularly engaged in the offering of educational services to discriminate against any one because of race, sex, color, or national origin except that an educational facility operated by or affiliated with a religious organization may discriminate on the basis of religious affiliation.

James Stier
Councilman

for the reconsideration motion in full and on
Read ~~the ordinance in full and on~~ motion by D. Schmidt

seconded by Burns and duly adopted, placed on its passage.

Passed (LOST) by the following vote:

| AYES <u>2</u> | NAYS <u>6</u> | ABSTAINED <u> </u> | ABSENT <u>1</u> | to-wit: |
|------------------------|---------------|----------------------|-----------------|---------|
| Burns <u>✓</u> | <u> </u> | <u> </u> | <u> </u> | |
| Hinga <u> </u> | <u>✓</u> | <u> </u> | <u> </u> | |
| Kraus <u> </u> | <u>✓</u> | <u> </u> | <u> </u> | |
| Nuckols <u> </u> | <u> </u> | <u> </u> | <u>X</u> | |
| Moses <u> </u> | <u>✓</u> | <u> </u> | <u> </u> | |
| Schmidt, D. <u>✓</u> | <u> </u> | <u> </u> | <u> </u> | |
| Schmidt, V. <u> </u> | <u>✓</u> | <u> </u> | <u> </u> | |
| Stier <u> </u> | <u>✓</u> | <u> </u> | <u> </u> | |
| Talarico <u> </u> | <u>✓</u> | <u> </u> | <u> </u> | |

Date 7-11-72 Charles A. Henderson / Edwin G. Hancock
Deputy CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as ~~amending~~

~~Map~~ (General) ~~(Annexation)~~ ~~(Special)~~ (Appropriation) Ordinance (~~Resolution~~) No. B-12-72
on the 11th day of July, 19 72.

ATTEST: (SEAL)

Charles A. Henderson
CITY CLERK

Samuel J. Talarico
PRESIDENT OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 11th day of
July, 19 72 at the hour of 11:00 o'clock 4 M., E.S.T.

Charles W. Platonow
CITY CLERK

Approved and signed by me this 11th day of July, 19 72
at the hour of 11:30 o'clock 4 M., E.S.T.

Don A. Richard
MAYOR

72-05-31
BILL NO. G-70-04-16 (Amended)

GENERAL ORDINANCE NO. G-85-70

AN ORDINANCE amending Ordinance No. G-85-70
1) by ~~abolishing~~ ^{reestablishing} the Metropolitan Human Relations Commission thereby created; 2) by replacing said Commission with a smaller Commission whose members are more representative of diverse elements of the community; 3) by expanding the powers of said Commission; 4) by expanding the scope of the duties of said Commission; and 5) by making it unlawful to discriminate in education.

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ARTICLE I - PURPOSES

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2-1 *Grand purpose*
Sec. 2. In filling such ~~board~~, the Metropolitan Human Relations Commission of the City of Fort Wayne is to:

a) study the relationships between the various races, sexes, creeds and nationalities within the City of Fort Wayne and to advise and assist the various departments of the City of Fort Wayne in matters involving relationship between such groups to the end that prejudice, intolerance, bigotry, and discrimination will be eliminated in the City of Fort Wayne.

b) eliminate discrimination in education, employment, public accommodation, and housing based upon sex, race, religion, ancestry, national origin or place of birth.

c) study, investigate and take action in regard to any condition having an adverse effect upon relations between the various races, sexes, creeds and nationalities.

d) institute and conduct educational and other programs intended to promote the equal rights and opportunities of all persons.

e) solicit the cooperation of the various racial, ethnic, and religious groups within the community in order to improve the quality of communications and understanding within the community.

f) stimulate private and governmental departments and agencies to develop and foster meaningful programs in support of the objectives and purposes of the Metropolitan Human Relations Commission.

g) insure the equal protection of all persons and to insure the full availability of all rights and privileges of citizenship to all persons.

SECTION 2. Sections 2,3,4d and 5 of Article 3 of Ordinance No. G-85-70 are amended to read as follows:

Sec. 2.

a) The Commission shall consist of seven (7) members:

(i) one of whom shall be appointed by the Common Council from among its members at the annual meeting for the election of officers of the Council, and

(ii) six of whom shall be appointed by the Mayor.

b) The member appointed by the Common Council shall serve until the next annual meeting for the election of officers of the Council and members appointed by the Mayor shall serve, until December 31 of the second full year following the year of their appointment.

Sec. 3. - Qualifications of Members.

a) All members shall be residents of the City of Fort Wayne. The Mayor shall make only those appointments which insure:

(i) that members are persons who have demonstrated a commitment to the purposes for which the Commission is created and

(ii) that the Commission is broadly representative of the community in regard to race, religion, national origin, sex, and political affiliation.

b) It shall be the duty of the Mayor to solicit suggestions for Commission appointments from organizations having an interest in the improvement of inter-group relations in the community and to give thoughtful consideration to the appointment of persons so suggested.

Section 4(d). The Mayor shall, at any time, have the right to remove any member of the Commission (other than the member appointed by the Common Council) with or without cause.

Section 5 - Powers and Duties. The Commission shall have the following powers and duties:

a) All poers that may lawfully be conferred upon the Commission pursuant to applicable provisions of Indiana law (IC-1971 22-9-12) including, specifically, the pwer to investigate, conciliate, and hear complaints, subpoena and compel the attendance of witnesses of the production of pertinent documents and records, administer oaths, examine witnesses, appoint a hearing examiner or panel, make findings and recommendations, issue cease and desist orders requiring remedial action, institute actions for appropriate legal or applicable relief in the circuit or superior court.

b) The commission shall meet month in a public facility beginning an hour not earlier than 7 P.M. nor later than 10 P.M. It shall be the duty of the Executive Director of the Commission to notify the news media concerning such meetings not less than 72 hours prior to the time of such meetings. All meetings of the Commission shall be open to the public.

c) The Commission shall receive and investigate charges of discriminatory practices and, if it appears that reasonable grounds exist for the charges, the Commission shall accept a complaint or the director may make a complaint, which complaint shall be in writing and verified. If a complaint has been made, the Commission may hold hearings and make an investigation of the complaint, which investigation shall be conducted by the Commission or by the director of his staff.

d) The commission shall endeavor to keep itself fully informed concerning the studies and findings of private organizations in respect to the practices falling within the Commission's jurisdiction.

e) Annual Report. The Commission shall render an annual report of its doings to the Mayor and to the Common Council and shall render such other additional reports as the Mayor or the Council may from time to time request. The reports shall describe, in detail, the investigations and conciliation proceedings it has conducted and their outcome, the progress made, and any other work performed and achievement toward the elimination of discrimination.

SECTION 3. Article 4 of Ordinance No. G-85-70 is hereby amended by adding a new Section 7 which reads as follows:

Section 7. Discrimination in Education. It shall be unlawful for any person, establishment or governmental agency regularly engaged in the offering of educational services to

- 4 -

discriminate against any one because of race, sex, color, or national origin except that an educational facility operated by or affiliated with a religious organization may discriminate on the basis of religious affiliation.

James Luther

APPROVED AS TO FORM
AND LEGALITY,

W. B. Lee
CITY ATTORNEY

Read the first time in full and on motion by Stier seconded by V. Schmidt and duly adopted, read the second time by title and referred to the Committee on Administration & State Legislation (and to the City Plan Commission for recommendation) (and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne, Indiana, on the _____ day of _____, 19____, at _____ o'clock P.M., E.S.T.

Date: 5-23-72

Charles W. Ostermann
CITY CLERK

Read the third time in full and on motion by Stier

seconded by V. Schmidt and duly adopted, placed on its passage.

Passed (~~last~~) by the following vote:

AYES 8, NAYS 1, ABSTAINED _____, ABSENT _____ to-wit:

| | | | | |
|-------------|-------------------------------------|--------------------------|--------------------------|--------------------------|
| Burns | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Hinga | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Kraus | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Nuckols | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Moses | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Schmidt, D. | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Schmidt, V. | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Stier | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Talarico | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Date 6-27-72

Charles W. Ostermann
CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as (Zoning Map) (General) (Annexation) (Special) (Appropriation) Ordinance (Resolution) No. 512-72 on the 27th day of June, 1972.

ATTEST: (SEAL)

Charles W. Ostermann
CITY CLERK

John Nuckols
PRESIDING OFFICER

type done
Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 28th day of June, 1972 at the hour of 10:00 o'clock _____ M., E.S.T.

Charles W. Ostermann
CITY CLERK

Approved and signed by me this _____ day of _____, 1972

at the hour of _____ o'clock _____ M., E.S.T.

Sam A. Rebano
MAYOR

Bill No. G-72-05-31

REPORT OF THE COMMITTEE ON ADMINISTRATION & STATE LEGISLATION
Legislation

We, your Committee on Administration & State to whom was referred an Ordinance

amending Ordinance No. G-85-70-1) by abolishing the

present Metropolitan Human Relations Commission thereby

created; 2) by replacing said Commission with a smaller

Commission whose members are more representative of diverse

elements of the community; 3) by expanding the powers of

said Commission; 4) by expanding the scope of the duties

of said Commission; and 5) by making it unlawful to

discriminate in education.

have had said Ordinance under consideration and beg leave to report back to the Common
Council that said Ordinance do PASS.

James S. Stier - Chairman

Vivian G. Schmidt - Vice-Chairman

Winfield C. Moses, Jr.

Eugene Kraus, Jr.

Donald J. Schmidt

James S. Stier
Vivian G. Schmidt
Winfield C. Moses Jr.
Eugene Kraus Jr.

DATE 6-22-70 CONCURRED IN
CHARLES W. WESTERMAN, CITY CLERK

Metropolitan Human Relations Commission

1381

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 28th day of June, 1972, at the hour of 10:00 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 28th day of June, 1972, at the hour of 2:00 o'clock P.M., E.S.T.

Ivan A. Lebamoff
Mayor

(Report of the Committee on City Utilities see page 1388)

BILL NO. G-72-05-31

GENERAL ORDINANCE NO. G-12-72

AN ORDINANCE amending Ordinance No. G-85-70

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James Stier
Councilman

Read the third time in full and on motion by Stier seconded by V. Schmidt and duly adopted, placed on its passage. PASSED by the following vote:

Ayes: Eight
Hinga, Kraus, Nuckols, Moses, D. Schmidt, V. Schmidt, Stier, Talarico
Nayes: One
Burns

Date: 6-27-72

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as General Ordinance No. G-12-72 on the 27th day of June, 1972.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Mr. President,

I move for reconsideration of BILL NO. G-72-05-31 at the next regular meeting of the Common Council

Donald Schmidt
Councilman

(Report of the Committee on Administration and State Legislation see page 1)

BILL NO. G-72-04-20

REPORT OF THE COMMITTEE ON PUBLIC RELATION

We, your Committee on Public Relations to whom was referred an Ordinance repealing Chapter 19, Section 14.1 of the City of Fort Wayne, have had said Ordinance under consideration and beg leave to report back to the Common Council the said Ordinance BE WITHDRAWN.

Samuel J. Talarico- Chairman
Winfield C. Moses, Jr. - Vice-Chairman
Eugene Kraus, Jr.
Vivian G. Schmidt
James S. Stier

Donald J. Schmidt
William T. Hinga
Paul "Mike" Burns
John Nuckols

Concurred in 6-27-72

Charles W. Westerman
City Clerk